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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,727	10/05/2000	Yoshifumi Tanimoto	81800.0137	2514
26021	7590	04/06/2005	EXAMINER	
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611			PARK, CHAN S	
		ART UNIT		PAPER NUMBER
				2622

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/680,727	TANIMOTO, YOSHIFUMI	
	Examiner	Art Unit	
	CHAN S PARK	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 September 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 13-17 and 20 is/are rejected.
 7) Claim(s) 18,19,21 and 22 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/5/04, 6/22/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 9/20/04, and has been entered and made of record. Currently, **claims 13-22** are pending.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449 received on 10/5/04, is attached to the instant Office action.

Allowable Subject Matter

3. The indicated allowability of **claims 13-17 and 20** is withdrawn in view of the newly discovered references to Toyoda et al. U.S. Patent No. 6,335,966 (hereinafter Toyoda). Rejections based on the newly cited references follow.

Claim Objections

4. Claim 17 is objected to because of the following informalities:
Line 4, "in to" should be - into -.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 15, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claims 13 and 15, the claims recite that a memory is equipped in the supervising server wherein the memory divides and stores the plurality of facsimile servers and clients into a plurality of groupings. It is uncertain as to what is actually divided and stored into a plurality of groups. Is the applicant claiming that the facsimile servers and clients are physically stored in the memory?

For examining purpose, examiner construes the term as "the plurality of facsimile servers' information and clients' information".

6. Regarding claim 18, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 13-17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Toyoda.

7. With respect to claim 13, Toyoda discloses a network facsimile system (figs. 1, 7, and 8) comprising:

a plurality of facsimile servers (DNS server in fig. 1);
a plurality of clients connected to the plurality of facsimile servers over a communication network (fig. 1);
a supervising servers (higher DNS server) connected to the communication network such that the plurality of facsimile servers and clients communicate with each other via the supervising server (col. 7, line 65 – col. 9, line 5); and
a memory associated with the supervising server for dividing and storing the plurality of facsimile servers and clients into a plurality of groupings (col. 8, line 34 – col. 9, line 5).

Note that the higher server stores the information of lower servers and divides them into groups (zones a, b, and c).

8. With respect to claim 14, Toyoda discloses the network facsimile system of claim 13, wherein when data is transmitted between at least one of the plurality of facsimile servers and at least one of the plurality of clients, the supervising server refers to the memory and allows data transmission only among those facsimile servers and clients

that belong to a same grouping (col. 7, line 65 – col. 9, line 5). When domain name (cba.co.jp) is selected, the data transmission between the facsimile servers and clients is only allowed in the 'co' or 'jp' zone/group.

9. With respect to claim 15, Toyoda discloses a network facsimile system including a plurality of facsimile servers and clients connected to each other over a communication network, a supervising server connected to the network facsimile system such that the plurality of facsimile servers and clients communicate with each other via the supervising server, the supervising server being equipped with a memory for dividing and storing the plurality of facsimile servers and clients into plurality of groupings (figs. 1, 7, and 8 & col. 7, line 65 – col. 9, line 5).

10. With respect to claim 16, Toyoda discloses the supervising server of claim 15, wherein when data is transmitted between at least one of the plurality of facsimile servers and at least one of the plurality of clients, the supervising server refers to the memory and allows data transmission only among those facsimile servers and clients that belong to a same grouping (col. 7, line 65 – col. 9, line 5). When domain name (cba.co.jp) is selected, the data transmission between the facsimile servers and clients is only allowed in the 'co' or 'jp' zone/group.

11. With respect to claim 17, Toyoda discloses a network facsimile system (figs. 1, 7, and 8) comprising:

- a plurality of facsimile servers (DNS server in fig. 1);
- a plurality of clients connected to the plurality of facsimile servers over a communication network (fig. 1); and

a supervising server connected to the communication network such that the clients and facsimile servers communicate with each other via the supervising server, the supervising server storing recipient information including telephone numbers of recipient of facsimile data transmission (fig. 5), and the recipient information being able to be referred to by the clients (col. 7, line 65 – col. 9, line 5).

12. With respect to claim 20, Toyoda discloses a network facsimile system including a plurality of facsimile servers and clients connected to each other over a communication network (fig. 7), a supervising server connected to the network facsimile system such that the plurality of facsimile servers and clients communicate with each other via the supervising server, the supervising server being able to store recipient information including telephone numbers of recipient of facsimile data transmission (fig. 5) such that the recipient information can be referred to by the clients under a certain constraint (col. 7, line 65 – col. 9, line 5).

Allowable Subject Matter

13. **Claim 18** would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in this Office action, and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. **Claims 19, 21, and 22** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watanabe et al. (U.S. Patent No. 5,170,428) teaches a method for sending facsimile data to recipients without sender specifying the destination address (col. 4, lines 45-55).

Shore et al. (U.S. Patent No. 6,564,193) discloses a supervisor server for distributing facsimile data to a plurality of facsimile servers without sender specifying the destination address (col. 2, line 66 – col. 3, line 8).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan S. Park
Examiner
Art Unit 2622

csp
March 24, 2005



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